

Appl. Serial No.: 10/821,441
Amendment dated July 13, 2005
Reply to Office action of April 13, 2005

REMARKS

Claims 1-69 remain in the application. By this amendment, claims 1, 5, 16, 19, 24, and 27 have been amended and claims 34-69 have been withdrawn. The specification has also been amended to correct minor errors found therein. The present application as originally filed supports these amendments. No new matter has been added.

Indication of Allowance

The applicant gratefully acknowledges the indication that claims 5-6, 16-20, and 24-29 have been allowed.

Claim Rejections Under 35 U.S.C. 103

Claims 1-4, 7-15, 21-23, and 30-33 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,239,445 to Shaeef in view of U.S. Patent Application Publication No. US 2002/0015667 A1 to Chow and U.S. Patent No. 3,998,145 to Maisch. Applicant respectfully traverses this rejection and requests reconsideration and withdrawal of the rejection of claims 1-4, 7-15, 21-23, and 30-33 under 35 U.S.C. 103(a).

Tray Assembly for Optical Inspection Apparatus

Independent claim 1, from which claims 2-4, 7-15, 21-23, and 30-33 depend, has been amended to more clearly define the claimed invention. Independent claim 1 recites a tray assembly for use with an optical inspection apparatus adapted to inspect a liquid sample. The tray assembly comprises a support tray insertable within an inspection location within an optical inspection apparatus so that a light source of the apparatus illuminates a liquid sample carried on the support tray and a detector of the apparatus receives light from the liquid sample when the support tray is positioned at the inspection location. An insert is supportable by the support tray

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and has a first surface shaped, and adapted to receive and secure in place a first type of liquid carrier and a second surface, different from the first surface, shaped and adapted to receive and secure in place a second type of liquid carrier shaped differently from the first type of liquid carrier.

Only one of the types of liquid carriers can be received and secured in place on its respective surface of the support tray at any one time, and either one of the first and the second surfaces of the insert can be presented when the insert is supported within the support tray in order to receive the respective one of the first and the second types of liquid carrier, so that a liquid sample carried on the liquid carrier received on the insert supported on the support tray will be illuminated by the light source of the inspection apparatus when the support tray is inserted within the inspection location within the optical inspection apparatus.

The Shaeef Reference

The Shaeef reference, which is owned by the assignee of the present application, discloses a tray assembly for use with an optical inspection apparatus. The assembly includes a support tray 20 shaped and adapted to receive one of a first liquid sample carrier 22 or an insert 40. The insert 40 has only a single surface 30 shaped and adapted to receive either a first liquid sample carrier 22 or a second liquid sample carrier 40. The liquid sample carriers 22 and 40 of Shaeef are not shaped differently from one another, and are received on the same receiving surface of the insert.

Moreover, the Examiner notes that Shaeef suggests in Column 5, lines 32-37, that "modifications of the inspection apparatus 10 will be apparatus to those of ordinary skill in the art. For example, instead of providing the support tray 20 with the recess 30, the support tray 20 could be adapted to be physically coupled to each of the liquid carriers 22, 40 *in alternative*

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ways." (emphasis supplied by the Examiner). It is again submitted that the quoted passage of Shaeef does not disclose or suggest modifying the insert 40 to provide two different receiving surfaces for two different shaped liquid specimen carriers, but simply suggests that the first liquid sample carrier 22 and the insert 40 can be coupled to the tray 20 in ways other than being received in a recess 30). In support of this construction, note that Shaeef refers to physically coupling "the liquid [specimen] carriers 22, 40" without suggesting that they be of different shapes. Looking at the disclosure of Shaeef as a whole, there is no suggestion that the liquid specimen carriers be of different shapes, nor that two different receiving surfaces (of different shapes) be provided on the insert 40 to the tray 20.

The Chow Reference

The Chow Reference discloses a tray assembly 10 for chemical and biological analysis systems that includes a base 12 shaped and adapted to receive an adapter (i.e., insert) 14, which in turn has a single attachment region (i.e., surface) shaped and adapted to receive a substrate (i.e., liquid specimen carrier) 16. The Examiner notes that in paragraph [0017] "the attachment region in the base unit may be a cavity, well, slot or other receptacle which receives the adapter, where the dimensions of the receptacle are selected to mate with the adapter. Similarly, the attachment region on the adapter may comprise a receptacle, well, slot, or other space intended to receive the sample substrate and position the substrate properly relative to the adapter and or base unit." The adapter 14 of Chow, however, is not "an insert supportable by the support tray and having a first surface shaped, and adapted to receive and secure in place a first type of liquid carrier and a second surface, different from the first surface, shaped, and adapted to receive and secure in place a second type of liquid carrier shaped differently from the first type of liquid carrier, and wherein only one of the types of liquid carriers can be received and secured in place on its respective surface of the support tray at any one time." (cf., claim 1 of the present

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application).

The tray assembly 10 of Chow is similar to the tray assembly shown in Figs. 4, 5, and 6 of Shaeef - they both have a base and an adapter received in the base, wherein the adapter receives a liquid carrier. Thus, Chow does not overcome the infirmities of the Schaeef reference.

The Maisch Reference

The Maisch reference discloses a food preparation appliance usable as a waffle iron or a grill. The waffle iron includes a set of removable contact members that slid over heating rods. Each of the contact members has different surface patterns on opposite surfaces, such that the contact members can be turned over to present one of the different surface patterns (e.g., one set of patterns may be used for baking waffles and the other set of patterns for grilling meat).

Applicant respectfully submits that Maisch does not disclose or suggest a tray assembly including a support tray insertable within an optical inspection apparatus and a tray insert having a first surface shaped and adapted to receive a first type of liquid carrier and a second surface shaped and adapted to receive a second type of liquid carrier shaped different from the first type of liquid carrier. Maisch simply discloses a waffle iron having contact members with different patterns. It is submitted that Maisch is non-analogous art.

Even assuming that Maisch is analogous art for an optical inspection apparatus, the combination of Shaeef, Chow, and Maisch does not disclose or suggest a tray assembly including an insert having a first surface shaped and adapted to receive a first type of liquid carrier and a second surface shaped and adapted to receive a second type of liquid carrier shaped different from the first type of liquid carrier. Instead, the combination of Shaeef, Chow, and Maisch simply provides a tray assembly for an optical inspection machine that includes an insert having a

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pattern for baking waffles or a pattern for grilling meat.

Applicant, therefore, respectfully requests reconsideration and withdrawal of the rejection of claims 1-4, 7-15, 21-23, and 30-33 under 35 U.S.C. 103(a) as being unpatentable over the combination of Shaeef, Chow, and Maisch.

Conclusion

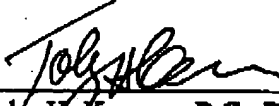
In view of the amendments and remarks submitted herein, applicant believes that all of the elected claims pending in the application, claims 1-33, are in condition for allowance and respectfully requests such allowance. If a telephone conference will expedite prosecution of the application the Examiner is invited to telephone the undersigned.

If additional fees are required, or otherwise necessary to cover any deficiency in fees already paid, authorization is hereby given to charge our deposit account no. 50-1133.

Respectfully submitted,

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